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6 Attorneys for Plaintiff
7 DAVID JORDT

8
9 UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

10 DAVID JORDT,

Case No. 05-1409-SBA

11 Plaintiff,

STIPULATION TO ALLOW PLAINTIFF TO
FILE THIRD AMENDED COMPLAINT
NAMING NEW PARTY DEFENDANT

12 v.

13 CLERKS AND LUMBER HANDLERS
14 PENSION FUND,

15 Defendant.
16 _____/

17 Pursuant to Federal Rule of Civil Procedure ("Rule") 15(a) and Local Rule 7-12 Plaintiff
18 DAVID JORDT (hereinafter "Plaintiff") and Defendant CLERKS AND LUMBER HANDLERS
19 PENSION FUND (hereinafter "the Fund"), through the signature of their counsel, hereby give
20 written consent and stipulate to allow Plaintiff to file a Third Amended Complaint naming the
21 BOARD OF TRUSTEES OF THE CLERKS AND LUMBER HANDLERS PENSION FUND
22 (hereinafter "the Board") as an additional defendant to Plaintiff's second and third causes of action
23 only. That Third Amended Complaint is attached hereto as Exhibit 1. This Stipulation serves as an
24 amendment to the Summons pursuant to Rule 4(a) so as to include the Board. Counsel for the Fund
25 also agrees to accept service of the Complaint on behalf of the Board, and waives service of the
26 summons pursuant to Rule 4(d)(2).

27 Plaintiff and the Fund agree that the Fund will only be required to answer the Third
28 Amended Complaint, and is relinquished from having to answer the Second Amended Complaint.

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Dated: _____

By: _____/s/_____

MATTHEW S. YERGOVICH
Attorney for Plaintiff

Dated: _____

By: _____/s/_____

ROBERT F. SCHWARTZ
Attorney for Defendants

[PROPOSED] ORDER

The Court has reviewed the Stipulation set forth above. Good cause appearing, the Court has decided:

PURSUANT TO STIPULATION, IT IS SO ORDERED that:

1. Plaintiff is granted leave to file a Third Amended Complaint naming the BOARD OF TRUSTEES OF THE CLERKS AND LUMBER HANDLERS PENSION FUND as an additional Defendant to Plaintiff's second and third causes of action only.
2. The Fund is required only to answer the Third Amended Complaint, and is relinquished from having to answer the Second Amended Complaint.

Dated: 10/24/05


HONORABLE SAUNDRA B. ARMSTRONG